



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
August 14, 2014

ANDERSEN LAW FIRM, LTD.

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*Attorney for Secured Creditor Association of
Apartment Owners of Ala Wai Mansion*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

TERESA JEAN MOORE and ROBERT
GARVIN MOORE,

Debtors.

Case No.: 14-13791-ABL
Chapter 11

**ORDER GRANTING MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY**

Hearing Date: August 6, 2014
Hearing Time: 1:30 p.m. Pacific time
Courtroom: 1

The Court, having considered the *Motion for Relief from the Automatic Stay* (the “Motion”) filed by secured creditor, Association of Apartment Owners of Ala Wai Mansion (the “Association”) at ECF No. 24; having conducted a hearing with respect to the Motion on August 6, 2014, at 1:30 p.m. Pacific time; with Ryan A. Andersen, Esq. of the Andersen Law Firm appearing on behalf of the Association and with Ms. Teresa Jean Moore and Mr. Robert Garvin Moore appearing on their own

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1 behalf; and having stated its findings of fact and conclusions of law on the record at the conclusion of
 2 such hearing, pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure, made applicable to
 3 this contested matter by Rule 9014 of the Federal Rules of Bankruptcy Procedure, such findings of
 4 facts and conclusions of law therefore being incorporated as set forth herein:

5 **NOW THEREFORE**, good cause appearing, the Court **ORDERS** as follows:

6 **IT IS ORDERED** that the Motion is **GRANTED**;

7 **IT IS FURTHER ORDERED** that the automatic stay imposed pursuant to 11 U.S.C. § 362(a)
 8 is hereby **TERMINATED** pursuant to 11 U.S.C. §§ 362(d)(1), 362(d)(2), and 362(d)(4) with respect
 9 to that certain real property generally located at 2029 Ala Wai Boulevard, Unit PH-1, Honolulu, Hawaii
 10 96815 (the "Penthouse") and more particularly described as:

11 ALL THE PREMISES COMPRISING A PORTION OF THE "ALA W AI
 12 MANSION," A CONDOMINIUM PROJECT (HEREINAFTER CALLED THE
 13 "PROJECT") AS DESCRIBED IN AND ESTABLISHED BY DECLARATION OF
 14 HORIZONTAL PROPERTY REGIME RECORDED AS LAND COURT
 15 DOCUMENT NO. 490922, AS AMENDED, OF OFFICIAL RECORDS
 (HEREINAFTER CALLED THE "DECLARATION"), SAID PREMISES BEING
 MORE DESCRIBED AS FOLLOWS:

16 FIRST: APARTMENT NO. PH-A, AS SHOWN ON THE PLANS THEREOF FILED
 17 AS CONDOMINIUM MAP NO. 92 (HEREINAFTER CALLED THE
 18 CONDOMINIUM MAP) TOGETHER WITH THE FOLLOWING APPURTENANT
 EASEMENTS:

19 A) AN EXCLUSIVE EASEMENT TO USE PARKING SPACE NO. L-15 AND
 STORAGE CUBICLE A AS SHOWN ON CONDOMINIUM MAP.

20 B) NONEXCLUSIVE EASEMENTS IN THE COMMON-ELEMENTS DESIGNED
 21 FOR SUCH PURPOSES FOR INGRESS TO, EGRESS FROM, UTILITY SERVICES
 22 FOR, AND SUPPORT OF SAID APARTMENT, IN THE OTHER COMMON
 23 ELEMENTS FOR USE ACCORDING TO THEIR RESPECTIVE PURPOSES,
 24 SUBJECT ALWAYS TO THE EXCLUSIVE USE OF THE LIMITED COMMON
 ELEMENTS AS PROVIDED IN THE DECLARATION, AS AMENDED, AND IN
 THE OTHER APARTMENTS AND COMMON ELEMENTS OF THE PROJECT
 FOR SUPPORT.

25 SECOND: AN UNDIVIDED 5.68 PERCENT INTEREST IN ALL COMMON
 26 ELEMENTS OF THE PROJECT AS ESTABLISHED FOR SAID APARTMENT BY
 27 THE DECLARATION OR SUCH OTHER FRACTIONAL OR PERCENTAGE
 INTEREST AS HEREAFTER ESTABLISHED FOR SAID APARTMENT BY AN

AMENDMENT OF THE DECLARATION (HEREAFTER REFERRED TO AS LESSEE'S "PROPORTIONATE SHARE"), AS TENANTS IN COMMON WITH THE OTHER OWNERS AND TENANTS THEREOF, SUBJECT TO ALL EASEMENTS APPURTENANT TO ANY APARTMENT OF THE PROJECT AND TO ALL ENCUMBRANCES, EXCEPTIONS AND RESERVATIONS NOTED BY SAID DECLARATION.

A LEASEHOLD ESTATE AS CREATED BY THAT CERTAIN LEASE DATED MAY 2, 1972, EXECUTED BY ALA WAI MANSION, INC., A HAWAII CORPORATION, AS LESSOR, AND LEROY PERCY BASS AND SHIRLEY JEAN BASS, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY, AS LESSEE, FOR A TERM FROM MAY 2, 1972 AND ENDING DECEMBER 31, 2050, RECORDED AS LAND COURT DOCUMENT NO. 580307 OF OFFICIAL RECORDS.

THE LESSEE'S INTEREST UNDER THE LEASE HAS BEEN ASSIGNED TO RUSSELL JACK GRISHAM, UNMARRIED, BY MESNE ASSIGNMENTS RECORDED OCTOBER 9, 2003 AS LAND COURT DOCUMENT NO. 3007815 OF OFFICIAL RECORDS.

ALL OF THAT CERTAIN PARCEL OF LAND SITUATED AT WAIKIKI, CITY AND COUNTY OF HONOLULU, STATE OF HAWAII, DESCRIBED AS FOLLOWS:

LOT 185-A, AREA 9,914 SQUARE FEET, MORE OR LESS, AS SHOWN ON MAP 63, FILED WITH LAND COURT APPLICATION NOS. 537 AND 550 OF JOHN FRANCIS BOWLER AND AUGUST AHRENS, LIMITED.

BEING A PORTION OF THE PROPERTY DESCRIBED IN AND COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 125,594,

and the Association is further authorized to take any and all legally appropriate and authorized action with respect to the Penthouse.

Respectfully submitted by:

ANDERSEN LAW FIRM, LTD.

By: /s/ Ryan A. Andersen
 Ryan A. Andersen, Esq.
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*Attorney for Secured Creditor Association of
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LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

- ☐ The court has waived the requirement set forth in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Counsel appearing: NONE

Trustee appearing: NONE

Debtor(s) appearing: Teresa Jean Moore- FAILED TO RESPOND
Robert Gavin Moore- FAILED TO RESPOND

- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of August, 2014.

By: /s/ Ryan A. Andersen
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